

## **TOWN OF NORTH HEMPSTEAD**

### **BOARD OF ZONING APPEALS**

#### **NEW CASES**

**MARCH 7, 2012**

**APPEAL #19247 - Richard Chambers**, variances 70-26, 70-29.B, 70-30.C, 70-31.A, 70-32.3.A, to permit the maintenance of first and second story additions to a one-family dwelling within required side and front yard setbacks, exceeding the permitted height, gross floor area, and within the sky exposure plane; N/side 19 Great Oak Rd., 141' east of Deepdale Dr., Manhasset, Sec. 3, Blk. 36, Lot 40, R-A District.

***RESERVED***

**APPEAL #19248 - Michael and Anne Prokop**, variances 70-100.2.I and 70-100.1.A to permit the maintenance of an outdoor barbeque, an accessory structure, and plinth walls within the required front and side yard setbacks; S/E/cor. 71 Old Estate Rd. & Payne Whitney Ln., Manhasset, Sec. 3, Blk. 152, Lot 216, R-A District.

***GRANTED WITH CONDITIONS***

**APPEAL #19249 - Patricia Narofsky**, variances 70-100.2.A(4)(b) and 70-100.2.H to permit the maintenance of fencing exceeding the permitted height and an A/C unit within a required front yard setback; N/side 112 Huntington Rd., 205' E/of Main St., Port Washington, Sec. 5, Blk. 60, Lot 31, R-A District.

***GRANTED WITH CONDITIONS***

**APPEAL #19250 - RMB Drafting Services, Inc.**, variances 70-138 and 70-208.F, to permit the maintenance of a second story addition and construction of a new second floor addition to a non-conforming single-family dwelling within a business zone, not a permitted use; E/side 38 Saint Marks Pl., 151.42' S/of Garden St., Roslyn Heights, Sec. 7, Blk. H, Lot 32, B-B District.

***CONTINUED***

**APPEAL #19251 - Edward Paul Butt**, variance 70-50.C to permit the construction of a second story addition to a single family dwelling within a required front yard setback; S/E/cor. 114 Haddon Rd. & Nugent St., New Hyde Park, Sec. 8, Blk. B7, Lot 194, R-C District.

***GRANTED***

**APPEAL #19252 - Michelle Oh-Lee**, appeal for determination, or in the alternative, variance 70-44 to permit the maintenance of a 3 family dwelling, not a permitted use; N/W/cor. 54 McKinley Ave. & Grant Ave., Albertson, Sec. 9, Blk. 57, Lot 920, R-C District.

***ADJOURNED***

**APPEAL #19253 - SoulCycle Roslyn, LLC**, variances 70-196.J(1)(b) and 70-196.J(1)(f) to permit the installation of signs exceeding the permitted height above grade, vertical height and area; S/side 250 South Service Rd., 369.95' W/of Willis Ave., Roslyn Heights, Sec. 7, Blk. M, Lot 1023, B-A District.

***GRANTED***

**APPEAL #19254 - Abeetza Pizza, Inc.,** conditional use 70-126.A, and variances 70-103.A, 70-103.B, 70-103.F and 70-229.A to permit the expansion of a restaurant, a conditional use, with insufficient off street parking, size of parking stalls, and loading zones, and non-compliance with previous Appeal #15299; N/E/Cor, 82-08 Glen Cove Rd. & Cedar St., Greenvale, Sec. 20, Blk. 77, Lot 4E, B-A/R-C Districts.

***RESERVED***

### **REOPENED CASE**

**APPEAL #19203 – Antonio Famiglietti,** variances 70-100.2A(2) & (4), 70-100.2I, 70-100.1B, to permit the maintenance of fences exceeding the permitted height and forward of the front building line, maintenance of a shed, and lean-to with insufficient side yard setback; S/side 8 Chestnut St., 226.80' E/of Glen Cove Rd., Greenvale, Sec. 20, Blk. 29, Lot 47, R-C District.

***GRANTED***

### **CONTINUED CASES**

**APPEAL #19134 - Ronald & Estelle Citrin,** variances 70-203.G & 70-225.E to permit the continued use of a parking lot into a residence district and with insufficient buffer as required in Appeal 18085, dated September 27, 2007, in conjunction with an established restaurant (Mim's); N/W/cor. #235 Roslyn Rd. & Thelma St., Roslyn Heights; Sec. 7, Blk. 68, Lot 48; B-A & R-C Districts.

***RESERVED***

**APPEAL #19212 – Oscar Cuevas,** variance 70-51.A, 70-208.F, to permit maintenance of an enclosed rear porch within the required side yard setback on a non-conforming single-family dwelling; E/side 46-23 Arcadia La., 220' S/of Pembroke Ave. Great Neck; Sec. 2, Blk. 78, Lot 17, R-C District.

***GRANTED***

### **ADJOURNED CASES**

**APPEAL #18710 - Bella Calabria Farms, Inc./Dominicks Deli/ Rosa Zito,** conditional use 70-45.E and variances 70-45.E(5), 70-103.F & 70-103.M to permit maintenance of a retail grocery store/delicatessen with insufficient landscaped buffer and number of loading zones, and parking within a required front yard setback; N/W/cor #401 Herricks Rd. & Wilson Blvd., New Hyde Park, Sec. 9, Blk. 515, Lot 43, R-C District.

***CONTINUED***

**APPEAL #18999 – Wheatley Hills Golf Club, LLC,** request for a determination under 70-225.A of the code to review the outstanding permit fees due as indicated on the notice of omission issued by the Building Official; N/side 147 Hillside Ave., East Williston, Sec. 9, Blk. 546, Lots 13A & B, R-AA District (Town) and R-AA (Village of East Williston).

***ADJOURNED***

**APPEAL #19111 – Rosalind Lange,** variances 70-49.B and 70-49.C to permit the construction of a sunroom exceeding the permitted gross floor area; W/side #33 Redwood Rd., 94' N/of Maple Dr., New Hyde Park, Sec. 8, Blk. 211-04, Lot 120, R-C District.

***CONTINUED***

**APPEAL #19243 – 1355 Northern Associates, LLC**, variances NY State Town Law 280-a, 70-41.C, 70-103, 70-133, 70-203G and 70-203.T(2)b to permit the conversion of an existing Parish building to office use and the construction of a bank with drive-thru facilities within required side yard setbacks and with insufficient parking and screening depth; N/E/C 1355 Northern Blvd. & Plandome Rd., Manhasset, Sec. 3, Blk. 83, Lot 13, R-B / B-A / P Districts.

***RESERVED***

## **RESERVED CASES**

**MARCH 7, 2012**

**APPEAL #19090 – Thomas Iannotti/Kurt Jacobs, R.A.,** conditional use 70-45.A and variances 70-50.C and 70-230 to permit additions and alterations not in compliance with Town Code to a single family dwelling into a required front yard setback and a conversion to a mother-daughter use; N/side #295 Curtis Ave., 60' E/of Lindbergh Blvd., Carle Place, Sec. 10, Blk. 35, Lot 94, R-C District. (5-25-11).

***RESERVED***

**APPEAL #19100 – Christopher Cavallaro,** variance 70-49.C to permit an addition and alteration to an existing one family dwelling exceeding the permitted gross floor area; E/side #60 Gerard Ave., 360' S/of Evans St., New Hyde Park, Sec. 8, Blk. 114, Lots 8-12, R-C District. (7-13-11).

***RESERVED***

**APPEAL #19110 – Hyung Ryul Shoi,** variances 70-125 and 70-215 to permit the construction of a single-family dwelling with frame construction in a business zone – not a permitted use; N/side #16 Arleigh Dr., 90.53' W/of Willis Ave., Albertson, Sec. 7, Blk. 76, Lots 26-28, B-A & R-B Districts. (7-13-11).

***RESERVED***

**APPEAL #19144 – G&I Contractors,** conditional use 70-139.I, variances 70-203.J and requests for determination or, in the alternative, variances 70-146.A, 70-145.A, , 70-212.A & 70-229.A to permit the maintenance of an expansion and alterations to a commercial structure within a required rear yard setback, not in compliance with a previous decision (Appeal No. 11936) and an accessory storage building; N/E/ cor #110 Mineola Ave., & Villa Pl., Roslyn Heights, Sec. 7, Blk. 30, Lot 23, B-B District. (9-7-11).

***RESERVED***

**APPEAL #19150 – 17-B Street Corp.,** request for determination or, in the alternative, variances 70-47.A, 70-47.1.D, 70-51.A, and 70-210.1 to permit the maintenance of an existing dwelling within a required side yard setback on a subdivided lot with insufficient lot area and lot width; N/side #17 School St., 425' E/of Harbor Rd., Port Washington, Sec. 5, Blk. A, Lot 159, R-C District. (9-21-11).

***RESERVED***

**APPEAL #19162 – Gennari’s Italian and French Bakery/DBA Cardinali Bakery**, conditional uses 70-139.A & F and variances 70-103.A, 70-145.A, 70-146, and 70-203.G & J to permit the maintenance of additions and alterations to a commercial structure for use as a retail bakery, commercial bakery and restaurant with insufficient parking; elimination of clear space between vehicular entry doors and street; within a required rear yard setback; elimination of a required planting strip buffer; and fence exceeding the permitted height; N/side #465 Westbury Ave., 278.08’ W/of Cherry Ln., Carle Place, Sec. 10, Blk. 18, Lots 54-59 & 161, B-B District. (10-5-11)

**RESERVED**

**APPEAL #19168 – Steven F. Levine**, variances 70-52, 70-100.2.A(2) and 70-100.2.A(4) to permit the maintenance of fencing exceeding the permitted height and masonry walls within the required front and rear yard setbacks; S/E/cor. #110 Plympton Ave. & E. Woodward St., Roslyn Heights, Sec. 7, Blk. 16, Lot 307, R-C District. (10-5-11).

**RESERVED**

**APPEAL #19171 – 813 Prospect Ave. LLC**, variances 70-195.14.A, C, & E, 70-208.F, and 70-215.A, to permit an addition of frame construction to an existing non-conforming commercial structure with inadequate screening of service areas from adjacent streets and neighboring residences for conversion of a two-family dwelling into a mixed use; N/W/cor. #813 Prospect Ave. & Sherman St., Westbury, Sec. 11, Blk. 103, Lot 46, B-A Zone, New Cassel overly district. (11-02-11)

**RESERVED**

**APPEAL #19173 – Sandy Portnoy**, appeal for determination on the applicability of Section 2-28 of the Town Code; E/side #40 Brussel Dr., 96.86’ S/of Herbert Dr., New Hyde Park, Sec. 9, Blk. 589, Lot 23, R-C District (original hearing closed November 16, 2011). (R – 10-05-11) (R – 01-11-12)

**RESERVED**

**APPEAL #19176 – Sean McPartland**, variances 70-38, 70-39.B, 70-40.A, 70-41.A, and 70-208.F to permit a second story addition to a non-conforming single family dwelling within required front and side yard setbacks and exceeding the permitted lot coverage and gross floor area; N/side #131 Laurel Dr., 275’ W/of Lawrence St., New Hyde Park, Sec. 8, Blk. 303, Lot 8, R-B District.

**RESERVED**

**APPEAL #19189 – Eric Jennings**, variances 70-52, 70-100.2.A(2), & 70-100.2.H to permit the installation of a fence and A/C unit in a required front yard setback and the expansion of a deck into a required rear yard setback; S/E/cor. #78 Terrace Dr. & Clearland Ave., Carle Place, Sec. 10, Blk. 304, Lot 18, R-C District. (11-02-11)

**RESERVED**

**APPEAL #19200 - Chris Koestner**, variance 70-100.2.A(2), to permit the erection of fencing in a front yard and exceeding the permitted height, N/side 123 Willow St., 100’ W/of Madison Ave., Roslyn Heights, Sec. 7, Blk. 26, Lots 5, 6, 47, 48, R-B District. (12-14-11)

**RESERVED**

**APPEAL #19245 - JMT Restaurant Corp.**, conditional use 70-187.Q to permit the expansion of an existing restaurant; N/W/cor. #39 Old Country Rd & Glen Cove Rd., Carle Place, Sec. 9, Blk. 670, Lot 28, I-B District. (2-15-12)

***RESERVED***

**APPEAL #19246 - Sulzer Metco (US), Inc.**, appeal for determination, or in the alternative, variances 70-192.A, 70-193, 70-229, and a variance to 70-103.A to permit the installation of a vehicle door with associated paved access to an existing commercial building within a required front yard setback, with insufficient parking, conflicting loading and parking circulation and non-compliance with previous Appeal #15889; N/side 1101 Prospect Ave., 550.02' W/of Cantiague La., Westbury, Sec. 11, Blk. 329, Lot 369, Ind. B District. (2-15-12)

***RESERVED***